

MEETING RECORD

NAME OF GROUP: City Board of Zoning Appeals

DATE, TIME AND PLACE OF MEETING: Friday, December 16, 2005, 1:30 p.m., Hearing Chambers, County-City Building, 555 South 10th Street, Lincoln, Nebraska

**MEMBERS AND OTHERS
IN ATTENDANCE:**

Members: Gene Carroll, George Hancock and Bob Kuzelka. Gerry Krieser and Tom Wanser absent.

Others: Terry Kathe (Building & Safety); Brian Will and Michele Abendroth (Planning Dept.); Tonya Skinner (Law Department); applicants and other interested parties.

**STATED PURPOSE
OF THE MEETING:** Regular Meeting of the City Board of Zoning Appeals

Chair Gene Carroll called the meeting to order at 1:30 p.m.

Election of Chair and Vice-Chair

Hancock made a motion to nominate Gene Carroll as Chair and Bob Kuzelka as Vice-Chair, seconded by Kuzelka. Motion carried 3-0. Carroll, Hancock and Kuzelka voting 'yes'; Krieser and Wanser absent.

Approval of the minutes of the November 18, 2005 meeting

Kuzelka moved approval of the November 18, 2005 meeting minutes, seconded by Hancock. Motion carried 3-0. Carroll, Hancock and Kuzelka voting 'yes'; Krieser and Wanser absent.

Appeal No. 05016 by Jeff Downing for a variance of the front and side/rear yard setbacks on property generally located at 828 D Street.

PUBLIC HEARING

December 16, 2005

Brian Will presented a letter of opposition to this appeal from John Spencer. Will stated that a letter has been received from Jeff Downing requesting a delay until the January meeting.

Hancock asked if the applicant was making an effort to change the application. Will stated his understanding is that they are attempting to reach an agreement with the neighbors whereby they would vacate the alley which would allow them to potentially meet the required setbacks. The end result would be to withdraw the application or modify it to a variance for a front yard setback only.

Carroll asked if there was testimony in favor of or against this appeal.

William Wood, 808 D Street, stated that he is representing himself and his wife, Myrna Wood. They own properties at 808 D Street, 820 D Street and 809 D Street. Their home is on the National Register of Historic Places. They oppose this variance because staff findings indicate that this lot is not unusual nor unlike other properties found in this part of the City. Therefore, he believes the Board lacks authority to

grant the requested variances. He feels that granting the variances could devalue the properties and the historical character of the district. He also believes that the church is trying to build a campus on a parcel that is not of sufficient size for what it wishes to accomplish. In August, there was a meeting with the neighborhood, but it was not to take input; rather, it was to announce what they had decided to do on this lot. He feels that the church could build an addition on the north side of the existing church. They are also concerned with the potential hazards to pedestrians.

Jo Gutsell, 2105 B Street, appearing on behalf of the Preservation Association of Lincoln, stated that she believes that this appeal does not come under the Board's purview. The idea of covering the stained glass window on the west side of the church in a designated historic neighborhood is amazing when they could expand to the north quite easily. There is also a concern for safety in the alley.

Carroll asked what the options are for voting on the application today. Skinner stated that it probably would not cause any harm to delay the appeal another month, but she suggested setting some terms with respect to granting further delays. Carroll stated that if the Board denies the application, they would not be able to come back with a similar appeal for another year. Skinner confirmed that is correct.

Carroll asked if there was further testimony against this appeal. With no one appearing, Carroll proceeded with the Executive Session.

ACTION

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Kuzelka moved to continue the public hearing until the January 27, 2006 meeting and notify the applicant that action will be taken at that meeting; it was seconded by Carroll. Carroll stated that he will vote for the motion as he believes weighing the harm of denying the application is important. He added that the applicant needs to realize they need to improve discussions with the neighborhood and come to a solution. Hancock stated that the question is whether or not there are peculiar, unusual or exceptional circumstances, but he does not want to make a judgement until the applicant is heard. Motion to delay carried 3-0. Carroll, Hancock and Kuzelka voting 'yes'; Krieser and Wanser absent.

The meeting was adjourned at 1:53 p.m.